REMARKS

Claims 1-22 remain pending in the application.

Claims 1, 2, 4-9 and 17 over Bestler

In the Office Action, claims 1, 2, 4-9 and 17 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,590,202 to Bestler et al. ("Bestler"). The Applicants respectfully traverse the rejection.

Claims 1, 2 and 4-7 recite a receiver to receive a packet of a digital data stream wherein **only some of** a plurality of data packets within the digital data stream are scrambled, the packet including a header portion and a data payload, the data payload including a scrambled **central portion** and an unscrambled portion. Claim 17 recites scrambling a first **central portion** of a data payload of **some of** a plurality of data packets within a data packet stream while leaving remaining ones of the plurality of data packets unscrambled.

The Examiner alleges that Bestler discloses scrambling a central portion of a data payload of some of a plurality of data packets at col. 2, lines 47-64 (See Office Action, page 4). However, Bestler discloses that **each** packet includes an unencrypted header and an encrypted 184-byte payload (See col. 2, lines 47-64). Thus, Bestler discloses encrypting **each** packet and the **entire** payload. Bestler fails to disclose scrambling **part of** a data payload, i.e., a central portion of a data payload, and **selective** encryption of data packets, some of a plurality of data packets, as recited by claims 1, 2, 4-9 and 17.

A benefit of utilizing a packet header portion that is entirely unscrambled with a data payload includes a scrambled central portion and an unscrambled portion is, e.g., compatibility. For applications using an MPEG-2 bitstream complying with an appropriate standard, e.g., ISO/IEC 13818-1, no scrambling is allowed of the header portion of a transport packet. By scrambling a data payload and leaving the header portion unscrambled, Applicants' invention allows a scrambling/descrambling system to maintain compatibility with existing standards and minimizing processing power required to encrypt/decrypt data. Consistently scrambling a central portion of a data packet and a data payload allows a receiver to know in advance which portions of a received data

packet and a data payload to descramble, saving overhead associated with attaching such information to a data packet and a data payload. The prior art fails to disclose or suggest such benefits.

Accordingly, for at least all the above reasons, claims 1, 2, 4-9 and 17 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 10, 12-15 and 19-21 over Komuro

In the Office Action, claims 10, 12-15 and 19-21 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,223,285 to Komuro et al. ("Komuro"). The Applicants respectfully traverse the rejection.

Claims 10, 12-15 and 19-21 recite a system and method scrambling and descrambling only a **central portion of every nth one of a plurality of data packets**, where n is an integer greater than 1, leaving remaining ones of the plurality of data packets unscrambled.

The Office Action alleges that Komuro discloses scrambling and descrambling only a **central portion of every nth one of a plurality of data packets**, where n is an integer greater than 1, leaving remaining ones of the plurality of data packets unscrambled at col. 5, lines 37-57 and col. 6, line 61-col. 7, line 9 (See Office Action, pages 4 and 5). The Applicants respectfully disagree.

Komuro simply discloses at col. 5, lines 37-57 and col. 6, line 61-col. 7, line 9 that Komuro's invention relies on two differently encryption and decryption schemes, EMI A and EMI B, with a header used to indicate which scheme is relied on. Details of the encryption and decryption schemes relied on by Komuro are disclosed at col. 7, line 30-col. 8, line 46, i.e., encrypt the data payload, e.g., field 220 of a data packet. Thus, Komuro, like Bestler, discloses encrypting and decrypting the **entire** data payload **NOT** a central portion of a data packet, much less select ones of the data packets, i.e., every nth one of a plurality of data packets, where n is an integer greater than 1, leaving remaining

ones of the plurality of data packets unscrambled, as recited by claims 10, 12-15 and 19-21.

Accordingly, for at least all the above reasons, claims 10, 12-15 and 19-21 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 3 and 18 over Bestler in view of Newton

In the Office Action, claims 3 and 18 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Bestler in view of Newton's Telecom Dictionary ("Newton"). The Applicants respectfully traverse the rejection.

Claims 3 and 8 are dependent on claims 1 and 17 respectively, and are allowable for at least the same reasons as claims 1 and 17.

Claim 3 recites a receiver to receive a packet of a digital data stream wherein only **some of** a plurality of data packets within the digital data stream are scrambled, the packet including a header portion and a data payload, the data payload including a scrambled **central portion** and an unscrambled portion. Claim 18 recites scrambling a first **central portion** of a data payload of **some of** a plurality of data packets within a data packet stream while leaving remaining ones of the plurality of data packets unscrambled.

As discussed above, Bestler fails to disclose or suggest scrambling **part of** a data payload, i.e., a central portion of a data payload, and **selective** encryption of data packets, some of a plurality of data packets, as recited by claims 3 and 18.

The Examiner relies on Newton to allegedly disclose an MPEG-2 data stream and its benefits (See Office Action, page 5). However, even if it were obvious to modify Bestler to encrypt and decrypt an MPEG-2 data stream (which it is not), Bestler would still encrypt the **entire** data payload and **all** of the data packets **NOT part of** a data payload, i.e., a central portion of a data payload, and **selective** encryption of data packets, some of a plurality of data packets, as recited by claims 3 and 18.

Accordingly, for at least all the above reasons, claims 3 and 18 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 11, 16, 20 and 22 over Komuro in view of Newton

In the Office Action, claims 11, 16, 20 and 22 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Komuro in view of Newton. The Applicants respectfully traverse the rejection.

Claims 11, 16, 20 and 22 are dependent on claims 10, 15, 19 and 21 respectively, as are allowable for at least the same reasons as claims 10, 15, 19 and 21.

Claims 10, 15, 19 and 21 recite a system and method scrambling and descrambling only a **central portion of every nth one of a plurality of data packets**, where n is an integer greater than 1, leaving remaining ones of the plurality of data packets unscrambled.

As discussed above, Komuro fails to disclose or suggest a system and method scrambling and descrambling only a **central portion of every nth one of a plurality of data packets**, where n is an integer greater than 1, leaving remaining ones of the plurality of data packets unscrambled, as recited by claims 11, 16, 20 and 22.

The Office Action relies on Newton to allegedly disclose MPEG-2 data streams and their benefits (See Office Action, page 6). However, even if it were obvious to modify Komuro to encrypt and decrypt MPEG-2 data streams (which it is not), Komuro would encrypting and decrypting the **entire** data payload **NOT** a central portion of a data packet, much less select ones of the data packets, i.e., every nth one of a plurality of data packets, where n is an integer greater than 1, leaving remaining ones of the plurality of data packets unscrambled, as recited by claims 11, 16, 20 and 22.

Accordingly, for at least all the above reasons, claims 11, 16, 20 and 22 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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